

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION FILE NO.: 1:22-CV-553

THE NORTH CAROLINA MUTUAL )  
WHOLESALE DRUG COMPANY, )

Plaintiff, )

v. )

FEDERAL INSURANCE COMPANY, )

Defendant. )

**JOINT STIPULATION OF  
DISMISSAL OF THE THIRD  
CLAIM FOR RELIEF**

NOW COME the parties to this action, by and through their undersigned counsel and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, partial judgment having been entered as to the First and Second Claims for Relief, the parties hereby stipulate that the Third Claim for Relief [Unfair and Deceptive Trade Practices – N.C.G.S. § 75-1.1 and § 58-63-15(11)] shall be dismissed with prejudice.

Respectfully submitted, this the 25<sup>th</sup> day of January, 2024.

FITZGERALD HANNA & SULLIVAN,  
PLLC

/s/ Douglas W. Hanna

Douglas W. Hanna, NCSB #18225

3737 Glenwood Avenue, Suite 375

Raleigh, NC 27612

Telephone: (919) 863-9091

Facsimile: (919) 863-9095

*Attorneys for The North Carolina Mutual  
Wholesale Drug Company*

O'MELVENY & MYERS LLP

/s/ Zoheb Noorani

Zoheb Noorani\*

Richard Goetz\*

Jessica Snyder\*

O'Melveny & Myers, LLP

400 South Hope Street

Los Angeles, CA 90071-2899

Telephone: (213) 430-6400

znoorani@omm.com

rgoetz@omm.com

jsnyder@omm.com

Janet R. Davis\*

Cozen O'Connor

123 North Wacker Drive, Suite 1800

Chicago, IL 60606

Email: jrdavis@cozen.com

Telephone: (312) 474-7947

Kenan Loomis

N.C. Bar No. 34309

Cozen O'Connor

1230 Peachtree Street, N.E.

The Promenade, Suite 400

Atlanta, GA 30309

Email: kloomis@cozen.com

Telephone: (404) 572-2028

*Attorneys for Defendant*

*Federal Insurance Company*

\*Appearing by special appearance pursuant  
to L.R. 83.1(d)